

the difference between life and death and serious privacy and liability issues give rise to extraordinary data security obligations. While non-coordinatable peer-to-peer data devices can certainly have a place in this high tech future, it is clear from the examples described herein that other types of unlicensed PCS products, both isochronous and coordinatable, will have an equal or greater role.

**C. Many Data PDA-Based Applications  
Will be Coordinatable**

While Apple's unlicensed PCS vision focusses on purely nomadic PDA-to-PDA communications, Dr. Nagel conceded at the hearing that a number of the most important PDA applications he contemplated involved accessing some form of fixed infrastructure.<sup>29</sup> For example, Dr. Nagel identified access to the Internet and to library collections as likely coordinatable uses.<sup>30</sup> He even suggested that non-nomadic data-PCS deployments could be "co-equal" with nomadic applications.<sup>31</sup> Of course, use of any form of infrastructure could qualify an unlicensed PDA as a coordinatable device if the Commission's other applicable rules involving disablement techniques were satisfied.<sup>32</sup>

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<sup>29</sup> Statements by Dr. David Nagel, Transcript of PCS Task Force Hearings, at 132-137 (Apr. 12, 1994).

<sup>30</sup> Id.

<sup>31</sup> Id. at 134.

<sup>32</sup> See 47 C.F.R. § 15.307.

Dr. Nagel was not alone in predicting that PDAs would be used in connection with a fixed infrastructure. In addition to UTAM,<sup>33</sup> Mark Lowenstein, Director of the Yankee Group, similarly observed that the development of PDA messaging capabilities would require interconnection with a wireline network.<sup>34</sup> Accordingly, arguments for an exclusive allocation of the most lightly loaded unlicensed PCS spectrum for those products improperly overlook the benefits of isochronous products and the opportunities for data products operating on a coordinatable basis.<sup>35</sup>

**VI. WITH THE BENEFIT OF THE HEARING RECORD, THE FCC  
SHOULD NOW ACT QUICKLY TO FACILITATE PCS DEPLOYMENT**

Both at the hearing and in its earlier filings, UTAM has urged the Commission to move promptly to finalize its rules and allocations so as to permit the early deployment of unlicensed PCS products.<sup>36</sup> Numerous others reiterated UTAM's concern for expedition in the context of both licensed and unlicensed PCS. AS PCIA

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<sup>33</sup> Written Statement of UTAM, GEN Docket No. 90-314, at 16-17; Statement by Sandy Abramson, Transcript of PCS Task Force Hearings, at 135-36 (Apr. 12, 1994).

<sup>34</sup> Written Statement of Yankee Group, GEN Docket No. 90-314, at 4 (filed Apr. 7, 1994); Statement by Mark Lowenstein, Transcript of PCS Task Force Hearings, at 58 (Apr. 11, 1994).

<sup>35</sup> Cf. Written Statement of UTAM, GEN Docket No. 90-413, at 14-17 (explaining that grant of Apple's requested reallocation would materially reduce the funds available for band clearing, cause manufacturers of isochronous devices to abandon the unlicensed PCS market, and effectively ensure that the entire unlicensed PCS industry will fail).

<sup>36</sup> Written Statement of UTAM, GEN Docket No. 90-314, at 20-21; Statement by Sandy Abramson, Transcript of PCS Task Force Hearings, at 57-59 (Apr. 12, 1994).

emphasized, delays in authorizing PCS "will mean less investment in the industry, less economic growth, diminished consumer choice and savings, weakened competition, fewer jobs domestically, and fewer exports abroad."<sup>37</sup> PCIA included with its statement three pages of quotations from the press, analysts, and the PCS industry, all noting the substantial risks in terms of reduced market penetration and financing support that are being run as a result of existing delays.

Northern Telecom cited other studies to similar effect and explained that:

The adverse impact delays will have on demand in competitive positioning will in turn adversely affect this country's economic structure and much needed new business and job opportunities that the PCS industry will provide. We are ready to ship product now and have many customers and end users who are eager to deploy it immediately. The Commission needs to act now to make PCS a reality.<sup>38</sup>

Mr. Battin of Motorola likewise entreated the Commission to "[h]urry up, hurry up, hurry up."<sup>39</sup> Clearly, the prospect of further delay stands as a substantial barrier to achievement of the Commission's goals for PCS. That barrier should now be removed.

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<sup>37</sup> Written Statement of PCIA, Gen Docket 90-314, at 8 (filed Apr. 7, 1994).

<sup>38</sup> Written Statement of Northern Telecom, GEN Docket No. 90-314, at 7.

<sup>39</sup> Statement by John Battin, Transcript of PCS Task Force Hearings, at 142 (Apr. 12, 1994).

**VII. CONCLUSION**

For the foregoing reasons, UTAM urges the Commission to reaffirm its existing spectrum allocation for unlicensed PCS in all respects and move expeditiously to finalize its rules to permit the prompt deployment of these beneficial systems and devices in the public interest.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sandy Abramson".

Sandy Abramson

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